IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.735 OF 2005

Shri.Ashok Sangappa Chokote
and Anr. ..Petitioners

Vs.

Sou.Shiladevi Mahantappa
Patne and Ors. ..Respondents

....

Mr.Pankaj J.Das for Petitioners
Mr.K.Y.Mandlik for Respondents.

....

CORAM : B.H.MARLAPALLE,J.

DATE : MAY 2,2005

P.C.:

1. Heard Mr.Das for Petitioners. Special Civil Suit No. 175 of 1991 was decreed on 24.12.1993 in terms of the following order:

. "1. It is hereby declared that, the Plaintiff has got 9/30 share in the house properties bearing No.209, Jodbhavi Peth, Solapur described in para 1A of the plaint and half share in Southern Block of house property bearing No.321/16, described in para 1B of the plaint. Claim in respect of movable property described in para 1C of the plaint is hereby dismissed.

. 2. Plaintiff is entitled to get separate possession of her share in the suit house properties by effecting partition of the suit house properties.

. 3. Plaintiff is entitled for the relief of perpetual injunction in

> respect of her possession in the Southern Block of House No.321/16, Muslim Panchha Peth, Solapur against the defendants, till she gets her separate share in the suit house properties by meets and bounds".

2. The decree holders filed Special Darkhast No.253 of 1994 and while it was pending for almost ten years, an application at Exh.54 came to be filed under Order XXI Rule 66 of the C.P.C. regarding the maintainability of the execution proceedings. Another application at Exh.61 was filed for review of the order passed at Exh.44 (Commissioner's report). Both these applications have been rejected by the learned Jt.C.J.S.D. at Solapur by the impugned order dated 19.6.2004.

3. The reasoning given by the Court below, cannot be termed as perverse or grossly erroneous so as to call for interference in a petition under Article 227 of the Constitution of India.

4. Hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]